

what neighborhoods we visit, and where we might stop to shop for services or goods. Although the national crime rate has gone down in recent years, many cities and communities have actually seen a rise in crime rates over the past year or so. I've seen the devastation that even perceived crimes can cause and the harmful effects on our communities, especially for our children.

Children sometimes will feel threatened even going to school, and we've had to pass laws for school safety and school violence. It's a sad state of affairs today when we recognize that our children are sometimes not even safe on the school grounds or on the playgrounds of our schools across the country. Sometimes it causes them to even turn inward and to feel insecure and unsafe, and their schoolwork even suffers. They, themselves, may even turn to crime.

People of all ages and of all walks of life can be affected by crime. As we know, increases in crime can harm the economy. Residents can stay away from local businesses in certain neighborhoods because they might feel it's unsafe to shop there and to do business there.

Crime also affects the comfort and willingness of residents to work with law enforcement on community safety initiatives. Sometimes community policing efforts in working with a community will suffer if we don't all engage in ensuring our communities are safe. By engaging with communities in efforts such as Celebrate Safe Communities Week and Crime Prevention Month, connections to deter and to prevent violence can be made between members of law enforcement and their communities in order to serve and protect the public.

This initiative spotlights communities' crime prevention efforts; it enhances public awareness of violent crime prevention and safety messages; and it recruits year-round support for ongoing prevention activities that help keep neighborhoods safe from crime. Crime Prevention Month highlights the positive effects that prevention efforts have on a community through community efforts events, public service organizations, public service announcements, and other coordinated activities.

I am pleased that the House has chosen to recognize these important community efforts while respecting the work of our law enforcement officers in their responding without hesitation to every call that comes over the radio. We'd rather receive fewer calls and see less violence in our communities. It all starts with prevention.

I urge my colleagues to support this resolution.

Mr. POE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, as I mentioned earlier, in Memphis, we've got many programs similar to these that have been discussed.

The Freedom from Unnecessary Negatives with Stevie Moore is in the community, often visited by our sheriff, Mark Luttrell, who was named National Sheriff of the Year, with District Attorney General Bill Gibbons and with others, who visit and have cook-outs, who talk about crime and who get the community oriented with their law enforcement officers—where they'll be wanting to report and work with the law enforcement officers. It has been a successful program.

Crime Stoppers is a successful program where people get rewarded for turning in criminals. They get rewarded with financial incentives.

The Neighborhood Watch programs are great programs where people work together to be aware of crime.

These are all important, and this is an important effort to fight against crime, and that's why I ask everybody to support this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 177.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENTS ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to provide improvements for the operations of the Federal courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Administrative Improvements Act of 2009".

SEC. 2. SENIOR JUDGE GOVERNANCE CORRECTION.

(a) IN GENERAL.—Section 631(a) of title 28, United States Code, is amended in the first sentence by striking "(including any judge in regular active service" and all that follows through "was appointed)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. REVISION OF STATUTORY DESCRIPTION OF THE DISTRICT OF NORTH DAKOTA.

(a) IN GENERAL.—Section 114 of title 28, United States Code, is amended to read as follows:

"§ 114. North Dakota

"North Dakota constitutes one judicial district.

"Court shall be held at Bismarck, Fargo, Grand Forks, and Minot."

(b) CURRENT CASES AND JURIES NOT AFFECTED.—

(1) PENDING CASES NOT AFFECTED.—The amendment made by subsection (a) shall not affect any action commenced before the effective date under subsection (c) and pending in the United States District Court for the District of North Dakota on such date.

(2) JURIES NOT AFFECTED.—The amendment made by subsection (a) shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Judicial District of North Dakota on the effective date under subsection (c).

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 4. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

(a) IN GENERAL.—Section 373 of title 28, United States Code, is amended—

(1) in subsection (c), by amending paragraph (4) to read as follows:

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.";

(2) by amending subsection (e) to read as follows:

"(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of the life of such judge an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregates less than 15 years, to receive during the remainder of the life of such judge an annuity equal to that proportion of such salary that the aggregate number of years of service of such judge bears to 15.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of the life of such judge an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary that the aggregate number of years of judicial service of such judge bears to 15."; and

(3) by amending subsection (g) to read as follows:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be paid a cost-of-living adjustment as provided under section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring."

(b) EFFECTIVE DATE.—

(1) COMPENSATION OF RECALLED JUDGES.—The amendment made by subsection (a)(1) shall apply with respect to judicial duties pursuant to recall that are performed on or after the date of the enactment of this Act.

(2) JUDGES WHO ARE NOT REAPPOINTED.—The amendment made by subsection (a)(2) shall apply to a judge who relinquishes office under section 373(e)(1) of title 28, United States Code, as amended by such subsection, or who retires or is removed from office under section 373(e)(2) of such title, as so amended, on or after the date of the enactment of this Act.

(3) COST-OF-LIVING INCREASES.—The amendment made by subsection (a)(3) shall apply to judges who retire before, on, or after the date of the enactment of this Act.

SEC. 5. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

(a) IN GENERAL.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” at the end;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the judicial branch that is designated as a senior executive position—

“(i) in the United States courts, by the Judicial Conference of the United States;

“(ii) in the Federal Judicial Center, by the Board of the Federal Judicial Center; or

“(iii) in the United States Sentencing Commission, by the Commission.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 6. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

(a) IN GENERAL.—Section 625 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

“(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board considers necessary, without regard to the provisions of title 5 governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, subject to the following:

“(1) The compensation of any person appointed under this subsection may not exceed the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5.

“(2) The salary of a reemployed annuitant under subchapter III of chapter 83 of title 5 shall be adjusted under section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted under section 8468 of such title.”.

(2) in subsection (c), by striking “, United States Code,”; and

(3) in subsection (d)—

(A) by striking “, United States Code,”; and

(B) by striking “General Schedule pay rates, section 5332, title 5, United States Code” and insert “the General Schedule under section 5332 of title 5”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 7. SEPARATION OF THE JUDGMENT AND STATEMENT OF REASONS FORMS.

(a) IN GENERAL.—Section 3553(c)(2) of title 18, United States Code, is amended by striking “the written order of judgment and commitment” and inserting “a statement of reasons form issued under section 994(w)(1)(B) of title 28”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 8. PRETRIAL SERVICES FUNCTIONS FOR JUVENILES.

(a) IN GENERAL.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

“(14) Perform, in a manner appropriate for juveniles, any of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 9. STATISTICAL REPORTING SCHEDULE FOR CRIMINAL WIRETAP ORDERS.

(a) IN GENERAL.—Section 2519 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “Within thirty days” and all that follows through “issuing or denying judge” and inserting “In January of each year, any judge who has issued an order (or an extension thereof) under section 2518 that expired during the preceding calendar year, or who has denied approval of an interception during that year,”;

(2) in paragraph (2), by striking “In January of each year” and inserting “In March of each year”; and

(3) in paragraph (3), by striking “In April of each year” and inserting “In June of each year”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 10. THRESHOLDS FOR ADMINISTRATIVE REVIEW OF OTHER THAN COUNSEL CASE COMPENSATION.

(a) IN GENERAL.—Section 3006A of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A), in the second sentence, by striking “\$500” and inserting “\$800”; and

(ii) in subparagraph (B), by striking “\$500” and inserting “\$800”; and

(B) in paragraph (3), in the first sentence, by striking “\$1,600” and inserting “\$2,400”; and

(2) by adding at the end the following:

“(5) ADJUSTMENT OF DOLLAR AMOUNTS.—

“(A) IN GENERAL.—The dollar amounts provided in paragraphs (2) and (3) shall be adjusted by an amount, rounded to the nearest multiple of \$100, equal to the percentage of the cumulative adjustments taking effect under section 5303 of title 5 in the rates of pay under the General Schedule since the date on which the dollar amounts provided in paragraphs (2) and (3), respectively, were last modified by statute.

“(B) EFFECTIVE DATE.—Each adjustment under subparagraph (A) shall take effect on the same day on which the corresponding adjustment under section 5303 of title 5 takes effect.”.

(b) EFFECTIVE DATE.—

(1) INCREASE IN DOLLAR AMOUNTS.—The amendments made by subsection (a)(1) shall take effect on the date of the enactment of this Act.

(2) ANNUAL ADJUSTMENTS.—The amendment made by subsection (a)(2) shall apply with respect to adjustments taking effect under section 5303 of title 5, United States Code, after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, I am honored to bring to the floor H.R. 3632, the Federal Judiciary Administrative Improvements Act of 2009. This bill will enact basic improvements to the Federal courts to ensure that our Federal court system is efficient and effective.

The first section of H.R. 3632 seeks to address an inconsistency in the law on the eligibility of senior judges to participate in court governance matters. This minor change will ensure that senior judges have the ability to participate in the selection of magistrate judges.

This legislation will also streamline the work of the District of North Dakota by eliminating references to divisions while maintaining the present situation that North Dakota constitutes one judicial district.

H.R. 3632 will also correct inequalities among the members of the judiciary. First, it adjusts the disability retirement coverage and cost-of-living annuity adjustments of four territorial judges so that these members of the judiciary will be treated like other term judges, such as bankruptcy and magistrate judges. Second, this bill will change the annual leave limit for judiciary branch executives, and it will adjust the pay scale.

H.R. 3632 also makes some minor adjustments for criminal matters. For example, it will improve the control and protection of confidential information by allowing the courts to separate the Judgment and Statement of Reasons forms. In addition, small changes will clarify the scope and authority of Federal pretrial service officers to assist juveniles.

Finally, H.R. 3632 will change the timeline for the statistical reporting of criminal wiretapping orders by extending the deadline for judges to file these orders, by several months, with the Administrative Office of the Courts. Wiretap reports will continue to be provided annually to Congress, but this change will ease the administrative burden on judges, and it will make those annual reports more accurate.

This noncontroversial legislation has bipartisan support. It has the full backing of the Judicial Conference of the United States, and the Senate recently introduced companion legislation. I ask my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I rise in support of H.R. 3632, and I yield as much time as he wishes to consume to the ranking member, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank my colleague from Texas for yielding, and I also thank my colleague on the Judiciary Committee.

Mr. Speaker, the purpose of H.R. 3632 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary and to provide justice for the American people.

The Judicial Conference is the policymaking body of the Federal judiciary, and through its committee system, it evaluates court operations. The Conference endorses all of the provisions in the bill.

H.R. 3632 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements and personnel administration.

The bill incorporates nine separate items, which, Mr. Speaker, I would like to enter into the RECORD at this point.

A section that clarifies that senior judges must satisfy minimum work thresholds to participate in court government matters, including the selection of magistrates.

A section that eliminates the references to divisions and counties in the statutory description of the Judicial District of North Dakota, which enables the court to better distribute the workload between two active district judges and reduce travel for litigants in the northern central area of the district.

A section that authorizes the "statement of reasons" that judges must issue upon sentencing to be filed separately with the court. Current law requires the statement to be bundled with other information in the case file distributed to the Sentencing Commission, where it can be difficult to maintain a seal related to confidential information.

A section that specifies that federal pretrial services officers can provide the same services to juveniles as they do for adult offenders. An example would be drug treatment.

And a section that applies an inflationary index to the threshold amount requiring approval by the chief judge of reimbursements for the cost of hiring expert witnesses and conducting investigations for indigent defendants. The dollar thresholds are statutorily fixed and erode over time. This means chief judges must devote greater time approving what are otherwise not genuine "high-dollar" requests.

Mr. Speaker, H.R. 3632 is necessary to improve the functioning of the U.S. courts, which will ultimately benefit the American people. This is a noncontroversial bill, and I urge my colleagues to support it.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

Mr. Speaker, as the ranking member of the Judiciary Committee has noted, Mr. SMITH from Texas, H.R. 3632 contains a number of administrative improvements to title 28 of the United States Code which will improve the operations and efficiency of the Federal judiciary. The previous speakers have highlighted many of the provisions set forth in H.R. 3632, but I would like to note two specific items:

First, section 4 of the legislation adjusts the disability retirement cov-

erage and COLA adjustments of territorial judges, thereby reducing existing inequities between them and other term judges, such as magistrate and bankruptcy judges. The CBO estimates that this will not result in an increase in direct spending.

Second, section 5 of the bill extends to senior executives in the Federal courts, the Federal Judiciary Center and Sentencing Commission the same ability to carry over up to 90 days of annual leave just as comparable officials within the executive branch and the Administrative Office of the U.S. Courts are treated.

Mr. Speaker, such changes are obscure but necessary to increase efficiency in our Federal courts, and I urge all Members to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I am pleased that this is a noncontroversial, bipartisan bill.

As a Tennessean who represents the district, which over, maybe, give or take, 200 years ago was represented by Davy Crockett, who went to Texas and made sure that these two fine gentlemen weren't part of a territory or part of a foreign nation, I am proud to work with them to see that this legislation comes to the floor.

Ms. BORDALLO. I rise today in support of the passage of H.R. 3632, The Federal Judiciary Administrative Improvements Act of 2009. The passage of this bill in the House marks an important step towards addressing administrative disparities between federal judges serving under the authority of Article IV of the Constitution and Article III federal judges. Specifically, section 4 of H.R. 3632 addresses disparities in disability retirement and cost of living adjustments of annuities for territorial judges. While this bill takes a positive step in addressing these disparities, there is still work to be done on this issue. The House has previously passed this important legislation and I hope the Senate will take up this bill to improve the administration of our nation's federal court system.

I support legislation that addresses these disparities and have introduced legislation that calls for more equal treatment of territorial federal judges. H.R. 910 addresses one of the disparities in treatment of federal judges regarding the specific case of Judge John S. Unpingco, who served as Chief Judge of the U.S. District Court of Guam but due to the ten year term limit of Article IV judges, did not fulfill the service requirement to receive a full annuity. Article III judges serve for life.

I commend Congressman HANK JOHNSON, as well as Chairman CONYERS and Ranking Member SMITH for their work and leadership on improving our nation's federal judiciary and I look forward to working with them in the future to further address the issue of disparities of territorial federal judges.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 3632.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1694, by the yeas and nays;
H. Res. 838, by the yeas and nays;
H. Res. 784, by the yeas and nays;
H. Res. 824, de novo.

Other postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ALLOWING FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1694, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 1694.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 819]

YEAS—420

Abercrombie	Boren	Chaffetz
Ackerman	Boswell	Chandler
Adler (NJ)	Boucher	Childers
Akin	Boustany	Chu
Alexander	Boyd	Clarke
Altmire	Brady (PA)	Clay
Andrews	Brady (TX)	Cleaver
Arcuri	Braley (IA)	Clyburn
Austria	Bright	Coble
Baca	Brown (SC)	Coffman (CO)
Bachmann	Brown, Corrine	Cohen
Baldwin	Brown-Waite,	Cole
Barrow	Ginny	Conaway
Bartlett	Buchanan	Connolly (VA)
Barton (TX)	Burgess	Conyers
Bean	Burton (IN)	Cooper
Becerra	Butterfield	Costa
Berkley	Buyer	Costello
Berman	Calvert	Courtney
Berry	Camp	Crenshaw
Biggert	Campbell	Crowley
Blibray	Cantor	Cuellar
Bilirakis	Cao	Culberson
Bishop (GA)	Capito	Cummings
Bishop (NY)	Capps	Dahlkemper
Bishop (UT)	Capuano	Davis (AL)
Blackburn	Cardoza	Davis (CA)
Blumenauer	Carnahan	Davis (IL)
Blunt	Carney	Davis (KY)
Bocchieri	Carson (IN)	Davis (TN)
Boehner	Carter	Deal (GA)
Bonner	Cassidy	DeFazio
Bono Mack	Castle	DeGette
Boozman	Castor (FL)	Delahunt